

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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KATHYANN SMART,

Plaintiff,

v.

JUDGMENT
20-CV-5594 (TAM)

USA LABOR FOR HIRE, INC., RC GLOBAL
ENERGY GROUP, INC., and OLEG TSIMBLER,

Defendants.

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A Memorandum and Order of the Honorable Taryn A. Merkl, United States Magistrate Judge, having been filed on June 26, 2024, denying Defendants' motion for a new trial pursuant to Federal Rules of Civil Procedure 50(b) and 59 or, in the alternative; granting Plaintiff's motion for attorneys' fees, costs, and pre- and post-judgment interest; awarding Plaintiff the following amounts: 1) \$150,000 in actual damages (\$50,000 from Defendant Oleg Tsimbler, \$50,000 from Defendant USA Labor for Hire, Inc., and \$50,000 from Defendant RC Global Energy Group, Inc.); 2) Pre-judgment interest on Plaintiff's actual damages award of \$150,000, calculated at the rate of interest referred to in 28 U.S.C. § 1961, from January 15, 2020, through the date judgment is entered, compounded annually; 3) \$60,000 in compensatory damages (\$50,000 from Defendant Oleg Tsimbler, \$5,000 from Defendant USA Labor for Hire, Inc., and \$5,000 from Defendant RC Global Energy Group, Inc.); 4) \$50,000 in punitive damages (\$40,000 from Defendant Oleg Tsimbler, \$5,000 from Defendant USA Labor for Hire, Inc., and \$5,000 from Defendant RC Global Energy Group, Inc.); 5) \$173,630 in attorneys' fees; 6) \$5,318.80 in costs; and 7) Post-judgment interest, which shall be calculated from the date the Clerk of Court enters judgment until the date of payment, using the rate set forth in 28 U.S.C. § 1961(a); and the Clerk

of Court having calculated the prejudgment interest at the rate set forth above, and the interest being \$37,257.57; it is

ORDERED and ADJUDGED that Defendants' motion for a new trial pursuant to Federal Rules of Civil Procedure 50(b) and 59 or, in the alternative, remittitur, is denied; that Plaintiff's motion for attorneys' fees, costs, and pre- and post-judgment interest is granted; that judgment is hereby entered in favor of Plaintiff and against Defendants in the total amount of \$476,206.37 plus post-judgment interest, which shall be calculated from the date the Clerk of Court enters judgment until the date of payment, using the rate set forth in 28 U.S.C. § 1961(a).

Dated: Brooklyn, NY
July 3, 2024

Brenna B. Mahoney
Clerk of Court

By: /s/Jalitza Poveda
Deputy Clerk